

MEETING NO. 15
June 24, 2004

ERIE COUNTY LEGISLATURE

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MEETING NO. 15
June 24, 2004

The Legislature was called to order by Chairman Holt.

All Members Present.

The invocation was led by Msgr. John Weimer.

The Pledge of Allegiance was led by Ms. Marinelli.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 13 of 2004.
MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. McCARVILLE presented a resolution Honoring the Orchard Park Boys Lacrosse Team for Capturing Their 10th Section VI Championship in a Row. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. WEINSTEIN presented a resolution Joining in the Celebration of the 25th Anniversary of the Jewish Federation Apartments. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MS. CUSACK, MINORITY CAUCUS presented a resolution Honoring the 2004 Spring All-WNY Scholar/Athlete High School Team. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. WEINSTEIN, MINORITY CAUCUS presented a resolution Honoring John B. Sheffer for his Many Years of Service as the Executive Director of the Institute for Local Governance & Regional Growth. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. MARSHALL presented a resolution Recognizing the Remarkable Achievement of the Town of Elma's Boy Scout Troop 238 for its Class of Seven Eagle Scouts. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. SMITH presented a resolution Recognizing the Grand Opening of the First Captain of the Sea Franchise in WNY. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. SMITH presented a resolution Honoring the Recipients of Saint Philip's Community Center Parent Council 100 Youth Friendship Ball Awards. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. MARINELLI presented a resolution Welcoming the Maybeth Convention. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 15 – MR. RANZENHOFER moved to receive and file Local Law No. 16 (Print #1) 2003. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 17 – MS. MARINELLI moved to receive and file Local Law No. 5 (Print #1) 2004. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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Item 18 – MR. KUWIK presented the following Local Law and moved for immediate consideration. MR. SWANICK seconded.

COUNTY OF ERIE
LOCAL LAW INTRO NO.5 -2004 (Print 2)
LOCAL LAW NO. _____ -2004

A LOCAL LAW establishing a probation investigation fee under the authority of Section 252-a of the Family Court Act in custody and visitation proceedings.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1.

Pursuant to Section 252-a of the Family Court Act, the Erie County Department of Probation and Youth Detention Services, when ordered by the courts to conduct an investigation pursuant to section 653 of the Family Court Act, is authorized to charge and is entitled to receive a fee of not less than fifty (\$50) dollars and not more than five hundred (\$500) dollars from the parties in the proceeding to help reimburse the cost of the investigation conducted by the department.

Section 2.

Such fee shall be based on the party's ability to pay the fee and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the director of the division of probation and correctional alternatives, and may in the discretion of the court be waived when the parties lack sufficient means to pay the fee. The court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

Section 3.

In the event of non-payment of the investigation fee, the County may seek to enforce payment in any manner permitted by law for the enforcement of a debt.

Section 4.

Fees collected pursuant to this Local Law shall be paid directly to the Erie County Department of Probation and Youth Detention Services to be retained and utilized for probation department services and staffing, and shall not be considered by the division of probation and correctional alternatives when determining state aid reimbursement pursuant to Section 246 of the Executive Law.

Section 5.

This Local Law shall take effect immediately upon its filing with the Secretary of State, in accordance with Section 27 of the Municipal Home Rule Law.

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CHARLES M. SWANICK
 JEANNE Z. CHASE
 TIMOTHY M. WROBLEWSKI
 DENISE E. MARSHALL

EDWARD J. KUWIK
 RAYMOND K. DUSZA
 STEVEN P. McCARVILLE
 ELISE M. CUSACK

MR. KUWIK moved the approval of the Local Law. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: WEINSTEIN. (AYES 14, NOES 1).

CARRIED.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 20 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

June 15, 2004

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received and filed.
 - a. Item Page -2004 (Comm. 13D-6)
COUNTY ATTORNEY: Notice of Claims.
 (6-0) Chairman Holt present as Ex-Officio Member.

LYNN M. MARINELLI
CHAIRPERSON

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MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

June 17, 2004

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 13E-29)
COUNTY EXECUTIVE: ECSD's Nos. 1, 4 & 5 – Engineering Service Agreements
 (Comm. 18E-41).
 (5-0)
 - b. Item Page -2004 (Comm. 13E-30)
COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Engineering
 Service Agreement – 4/20/00 – Change Order No. 4.
 (5-0)
 - c. Item Page -2004 (Intro. 13-15)
DUSZA: NFG Investigation.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - d. Item Page -2004 (Comm. 13D-2)
DEP: SEQR – Lead Agency Status – North Creek Sub-Trunk Sanitary Sewer.
 (5-0)
2. Item Page -2004 **AS AMENDED**
COUNTY EXECUTIVE (Comm. 20E-41)

RESOLUTION NO. 277

RESOLUTION DATED _____, 2004

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A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) June 3, 2004.
 (Adopted) _____, 2004

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, has heretofore been established, and

WHEREAS, there has been prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been approved by the Board of Managers of said District on April 22, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 2 in said County, consisting of the replacement of two (2) sewage pumping stations, the Lake Street and Point Breeze Stations and related force mains, including the construction of a facility to house new standby generators, load banks and automatic transfer switches along with required instrumentation and controls and related improvements to the existing Big Sister Creek Wastewater Treatment Plant, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 2 is \$10,840,000 to be assessed against a benefited area which consists of the entire area of said Sewer District No. 2; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$52.29, is above the Average Estimated Cost of \$11.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street 2nd Floor Part 6 Buffalo, New York, in said County, on the 9th day of September, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public

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hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in "Front Page" and in "Hamburg Sun," the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take-effect immediately.
 (5-0)

3. Item Page -2004 **AS AMENDED**
 (Comm. 11E-25)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the North Main Street (Route 62) Low Pressure Sanitary Sewer System Project, Contract No. 70, on June 8, 2004,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 70	Kandey Company, Inc. 19 Ransier Drive West Seneca, New York 14224	\$242,949.20

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work.

NOW, THEREFORE; BE IT

RESOLVED, that the North Main Street (Route 62) Low Pressure Sanitary Sewer System Project, Contract No. 70, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 70	Kandey Company, Inc. 19 Ransier Drive West Seneca, New York 14224	\$242,949.20

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and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Sewer Capital Account of Erie County Sewer District No. 2, C.00036 (430-913) or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$242,949.20 from the Sewer Capital Account of Erie County Sewer District No. 2, C.00036 (430-913), and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to Joel A. Giambra, County Executive; two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning; and one certified copy to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney; and John S. Rizzo, Deputy Comptroller.
 (5-0)

RAYMOND K. DUSZA
CHAIRMAN

MR. DUSZA moved to separate item #2 (Comm. 20E-41) and moved the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #2. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED.

Item 22 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTON NO. 278

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PUBLIC SAFETY
 COMMITTEE

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REPORT NO. 9

ALL MEMBERS PRESENT.

ALL ITEMS ARE HEREBY TABLED.

EDWARD J. KUWIK
CHAIRMAN

MR. KUWIK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 23 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

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COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. Item Page -2004 (Comm. 13E-37)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for the Erie County Community College – South Campus Chemistry Lab Fume Hood Exhaust Modifications, and

WHEREAS, the firm of Bergmann Associates presently has a contract with the County of Erie to provide design services for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Bergmann Associates in an amount not to exceed \$20,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Erie County Community College – South Campus Chemistry Lab Fume Hood Exhaust Modifications, and be it further,

RESOLVED, that the \$20,000 fee allocation be taken from Project A.00047, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the County Executive's Office; one copy to the Erie County Community College; one copy to Budget Management & Finance; and one copy to the Office of the Comptroller.

(5-0)

2.	Item	Page	-2004	AS AMENDED (Intro. 13-1)
	MARINELLI, SCHROEDER, WROBLEWSKI, KUWIK,			
	CUSACK, McCARVILLE & SWANICK			

WHEREAS, the New York State Assembly and New York State Senate have pending bills (A7018 and S3109) before each legislative body to establish the New York State Cultural Development Areas program, an initiative to support arts and cultural organizations and programs, and

WHEREAS, the legislation has bipartisan support, and arts and cultural organizations across the state, and in Erie County, including the Arts Council in Buffalo and Erie County, strongly support the measure, and

WHEREAS, under the legislation, cultural development areas (CDAs) across the state would be designated and established, providing real property tax exemptions for capital improvements to qualified buildings in each CDA, exemptions for arts and cultural corporations from gross receipts utility taxes, investment tax credits and employment incentive credits, wage tax credits, sales and use tax exemptions for eligible organizations, gas or electric rate reductions, and providing for state personal income tax credits for charitable donations made to qualifying capital projects in the CDAs, and

WHEREAS, the legislation also designates "cultural assets," a mechanism to assist arts and cultural organizations located outside of CDAs, and

WHEREAS, the legislation has a strong focus not only on assisting the arts, but in fostering economic and job development in the CDAs, and

WHEREAS, the bills support arts and cultural organizations in New York State, many of which are currently suffering from a loss of federal, state, county and local government funding, as well as a downturn in private donations, and

WHEREAS, the legislation includes "clawback" provisions to terminate the above-mentioned assistance and incentives if organizations do not create new jobs or engage in substantial business development in the CDAs within five years of such designation,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses and reaffirms its long-standing support for arts and cultural organizations and programs, and be it further

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RESOLVED, that this Honorable Body expresses its support for A7018 and S3109 and calls on the New York State Assembly and New York State Senate to pass said legislation, and for the Governor to promptly sign said legislation into law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, to the local delegation of the New York State Legislature, and to Celeste Lawson of the Arts Council in Buffalo and Erie County (700 Main Street, Buffalo, NY 14202).

Fiscal Impact: To be determined.
 (5-0)

TIMOTHY M. WROBLEWSKI
CHAIRMAN

MR. WROBLEWSKI moved to separate item #2 (Intro. 13-1) and moved the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. WROBLEWSKI moved to amend item #2 to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. WROBLEWSKI moved the approval of the item as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. SMITH presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 280

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HUMAN SERVICES
 COMMITTEE
 REPORT NO. 8

ALL LEGISLATORS PRESENT.

1. Item Page -2004 (Comm. 13E-18)
COUNTY EXECUTIVE

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WHEREAS, the Erie County Department of Health received a revised grant award from Health Research Inc. in the amount \$103,848 for the purpose of funding breast and cervical cancer screening for low income, asymptomatic, underserved women aged 50 and over, and

WHEREAS, the Partners for Prevention, Cancer Screening Services of Erie County is made up of a coalition of concerned community agencies and health care providers, funded by grants from the New York State Health Department, Health Research, Inc. and the United Way of Buffalo and Erie County, and

WHEREAS, the Erie County Health Department is the fiscal intermediary for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from Health Research Inc., to be budgeted as follows:

Breast and Cervical Cancer
06/30/03- 06/29/04
PROJECT #866

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553 - 200	STATE AID – HRI	<u>\$61,848</u>	<u>\$42,000</u>	<u>\$ 103,848</u>
	TOTAL	<u>\$61,848</u>	<u>\$42,000</u>	<u>\$103,848</u>
	EXPENSES			
830-989	CONT-CLINICAL SERV	\$55,000	\$42,000	\$97,000
880-4000	INTERFUND - ECMC	6,648	0	6,648
882-2709	INTERDEPT – HLTH GRTS	<u>200</u>	<u>0</u>	<u>200</u>
	TOTAL	<u>\$61,848</u>	<u>\$42,000</u>	<u>\$103,848</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.

(5-0)

2. Item Page -2004 (Comm. 13E-19)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded a revised contract for the Erie County Department of Health to continue a program to provide HIV training services and technical assistance to Western New York health and human services providers and community members to furnish the knowledge and skills to protect the Western New York community from HIV infection and provide care to those living with HIV/AIDS, and

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WHEREAS, this training focus will assist the New York State Department of Health in meeting its goal of HIV prevention and care, and

WHEREAS, funding will also be used to continue the Expanded Syringe Access Program (ESAD) throughout Erie County, and

WHEREAS, the Expanded Syringe Access Program provides individuals who have medical conditions requiring at home use of sharps, to safely dispose of them and to provide those individuals with information on how they can replace their sharps at a minimal fee.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended contract with the New York State Department of Health to provide services which are budgeted as follows:

Western Regional Training Grant
7/1/03 – 6/30/04

SFG Project #871, SAP Cost Ctr. 1271230, SAP Title: 127WSTREGTRAIN0304

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409010	State Aid Other	\$ 106,600	\$ 0	\$ 106,600
	TOTAL	\$ 106,600	\$ 0	\$ 106,600
 EXPENSES				
500000	Personal Services	\$ 66,933	\$ -5,624	\$ 61,309
502000	Fringe Benefits	18,126	4,717	22,843
505000	Office Supplies	500	0	500
505800	Medical Supplies	1,000	0	1,000
516020	Dues & Fees	400	0	400
510000	Travel & Mileage	500	0	500
501100	Out Of Area Travel	7,941	-1,000	6,941
530000	Other Expenses	9,000	1,000	10,000
912700	I/F-ECHD	1,000	907	1,907
980000	I/F-DISS	1,200	0	1,200
	TOTAL	\$ 106,600	\$ 0	\$ 106,600

and be it further

RESOLVED, that the following adjustments are made to the 2004 Health Department General Fund (#110) Budget:

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Decrease Account 912700 Interfund-Health Grants \$907
 Increase Account 561410 Office Equipment \$907

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
 (5-0)

3. Item Page -2004 (Comm. 13E-20)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a one-time funding grant award from the New York State Office of the Attorney General as a result of a law suit settlement in the amount of \$86,908, and

WHEREAS, this grant award extends the end date of the grant from 3/31/04 to 7/31/04 and authorizes budget revisions, and

WHEREAS, the purpose of this project is to provide an adult and early childhood nutrition health education program consisting of a series of lessons and hand-on experiences.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the grant award from the New York State Attorney General's Office which authorizes budgetary revisions and extends the end date to 7/31/04 to be budgeted as follows:

VITA GRANT
 12/01/02 – 07/31/04
 SFG Project #757
 SAP Cost Ctr:1271230 SAP Title: 127VITAGRANT0304

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409010	State Aid	\$ 86,908	\$0	\$ 86,908
	TOTALS	\$ 83,908	\$0	\$ 86,908

EXPENSES				
505000	Office Supplies	\$ 500	\$0	\$ 500
505800	Medical Supplies	2,400	0	2,400
516020	Dues & Fees	12,840	-5,500	7,340
516030	Repairs & Maintenance	0	150	150
510000	Travel & Mileage	125	0	125
530000	Other Expenses	9,884	3,100	12,984

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516010	Contractual	56,373	0	56,373
980000	Interfund - DISS	680	5,750	6,430
561410	Lab & Tech Equipment	4,106	-3,500	606
TOTALS		\$ 86,908	\$ 0	\$ 86,908

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.
 (5-0)

4. Item Page -2004 (Comm. 13E-22)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has been awarded a continuation grant award in the amount of \$350,000 from the New York State Department of Health to enroll persons without insurance into the Child and Family Health Plus insurance programs, and

WHEREAS, the New York State Department of Health has requested that the number of full time county enrollers be increased from four (4) to five (5) in order to qualify for this 100% state funding.

NOW, THEREFORE, BE IT

RESOLVED, that the one full-time position of Child Enroller, JG 6, is hereby created in Grant Project #188. The following personnel detail is hereby submitted:

TITLE: Child Enroller	FUNDING: 100% State Reimbursed
JG: 6	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$29,141	
ANNUAL BENEFITS: \$8,946	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (5-0)

5. Item Page -2004 (Comm. 13E-23)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has received a donation of 20 free-standing office dividers from the Western Regional Office of the New York State Department of Health, and

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WHEREAS, these dividers were purchased approximately 20 years ago at an acquisition cost of \$200 each.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the donated free-standing office dividers from the New York State Department of Health, and be it further

RESOLVED, that said equipment will be used by the Division of Emergency Medical Services, Office of Public Health Emergency Preparedness, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Department of Health, the New York State Health Department and the Department of Law.

(5-0)

6. Item Page -2004 (Comm. 13E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health currently operates a Lead Poisoning Prevention Program, and

WHEREAS, the purpose of this grant is to support and enhance local efforts to reduce the prevalence of elevated blood lead levels in children under six years of age through the implementation of a comprehensive program of primary and secondary prevention which includes: public and professional outreach and education; and medical and environmental case management and follow up, and

WHEREAS, the New York State Health Department recently awarded the Erie County Department of Health a revised grant in the amount of \$627,084 which authorizes budgetary adjustments in order to balance the accounts in the grant, and

WHEREAS, the New York State Health Department has approved the carry forward of \$5,000 of unspent other unclassified revenue to Project #193 – Childhood Lead Poisoning Prevention Program 1/1/04 – 12/31/04.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary adjustments:

Childhood Lead Poisoning Prevention Program
1/1/03 – 12/31/03
SFG Project #852
SAP Cost Ctr: 1271463, SAP Title: 127CHILDLEAD2003

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SAP	REVENUE	CURRENT		REVISED
		BUDGET	CHANGES	BUDGET
466130	Other Unclassified Revenue	\$ 5,000	\$ -5,000	\$ 0
409010	State Aid Other	627,084	0	627,084
	TOTAL	\$ 632,084	\$ -5,000	\$ 627,084
EXPENSES				
500000	Personal Services	\$ 396,500	\$ -570	395,930
501000	Overtime	3,000	-397	2,603
502000	Fringe Benefits	124,000	-2,734	121,266
505000	Office Supplies	1,300	-170	1,130
505200	Clothing Supplies	100	-100	0
505800	Medical Supplies	1,194	0	1,194
516020	Dues & Fees	1,865	-328	1,537
506200	Repairs & Maintenance	7,365	-35	7,330
510000	Travel & Mileage	18,000	-3,457	14,543
501100	Out Of Area Travel	2,600	-105	2,495
530000	Other Expenses	21,000	-9,314	11,686
516020	Contractual	30,000	0	30,000
912700	I/F-HEALTH GRANTS	0	14,577	14,577
561410	Lab & Technical Equipment	25,160	-2,367	22,793
	TOTAL	\$ 632,084	\$ -5,000	\$ 627,084

and be it further

RESOLVED, that the following adjustments are made to the 2004 Health Department Budget, General Fund (#110) Budget:

Decrease Account 912700 Interfund Health Grants	\$14,557
Increase Account 505800 Medical Expenses, Public Health Lab Div.	\$14,557

and be it further

RESOLVED, that the Erie County Legislature authorizes the carry forward of \$5,000 of unspent other unclassified revenue to Project #193 – Childhood Lead Poisoning Prevention Program 1/1/04 – 12/31/04, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.

(5-0)

7. Item Page -2004 (Comm. 13E-28)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for various nutrition sites in the Congregate Dining Program (III-C-1) for the period January 1, 2004 to December 31, 2004 and appropriated funds in the Supplemental Nutrition Assistance Program (SNAP) for the period April 1, 2003 to March 31, 2004, and

WHEREAS, the Department of Senior Services (Department) continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County, and

WHEREAS, the Department recommends that a new dining site, Seniors on the Move Community Center at the Second Baptist Church, located at 18 Church Street in Lackawanna, be added to the Stay Fit Dining program, and

WHEREAS, the Department anticipates that 25 seniors will be served daily, and

WHEREAS, the Department desires to contract with the sponsor, Community Action Organization of Erie County, Inc., to begin serving meals June 14, 2004, and

WHEREAS, the New York State Office for the Aging has allocated additional SNAP funding and the Department desires to revise the SNAP grant to reflect all revenues associated with the SNAP grant program, and

WHEREAS, the SNAP grant budget and the related SNAP contract are in need of revision, and

WHEREAS, County funds are not required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with the Community Action Organization of Erie County, Inc., effective June 14, 2004 through December 31, 2004, and be it further

RESOLVED, that the County Executive is hereby authorized to accept the additional state funds for the SNAP grant for the period April 1, 2003 to March 31, 2004, and be it further

RESOLVED, that the County Executive is hereby authorized to amend the contract with Meals on Wheels of Erie County and Buffalo, Inc. as detailed below, and be it further

RESOLVED, that the SNAP grant 163SNAP0304 be revised as follows:

REVENUES	CURRENT	CHANGES	AMENDED
Account	BUDGET	BUDGET	BUDGET
Description			

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417000 Unclass. Fees-Food & Nutr	\$532,916	\$888	\$533,804
407750 State Nutrition Assistance	693,978	156	694,134
TOTAL CHANGE		<u>\$1,044</u>	

APPROPRIATIONS

516010 Meals on Wheels	\$1,226,894	\$1,044	\$1,227,938
TOTAL CHANGE		<u>\$1,044</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney's Office and the Department of Senior Services.

(5-0)

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 281

June 17, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

a. Item Page -2003 (Comm. 9E-13)
HOLT: Copy of Letter to Mayor of City of Buffalo Re: Snowplowing.
 (5-0)

b. Item Page -2003 (Comm. 10E-1)
HOLT: Copy of Letter to Budget Director Re: ECMC Budget.
 (5-0)

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- c. Item Page -2003 (Intro. 11-8)
MARINELLI, DEBENEDETTI & FISHER: Proposing Alternatives for City-County
Cooperation.
(5-0)
- d. Item Page -2003 (Comm. 16E-2)
LARSON: Consolidation of Finance & Management Committee Items Re: Sharing of 1%
Sales Tax.
(5-0)
- e. Item Page -2003 (Intro. 18-15)
DEBENEDETTI: County Assistance for City of Buffalo.
(5-0)
- f. Item Page -2004 (Comm. 1E-22)
COUNTY EXECUTIVE: Notification that Intro 25-7 (2003) is Null & Void.
(5-0)
- g. Item Page -2004 (Comm. 6E-2)
COMPTROLLER: Copy of Letter to ECMCC Issuing Second Request for Supporting
Documentation for all Issuance & Incidental Costs Paid from Sale of ECMCC.
(5-0)
- h. Item Page -2004 (Comm. 6E-5)
COMPTROLLER: Details on Cash-Outs & a Salary Adjustment Paid to High-Ranking
M/C Employees.
(5-0)
- i. Item Page -2004 (Comm. 7M-14)
AUDIT COMMITTEE: 2003 Annual Report.
(5-0)
- j. Item Page -2004 (Comm. 8E-5)
DEBENEDETTI: Letter to Budget Director Re: \$85 Million in Unanticipated Revenue from
the Sale of ECMC to ECMCC.
(5-0)
- k. Item Page -2004 (Comm. 8E-8)
DEBENEDETTI: Letter to Budget Director Re: Request for Information Concerning
ECMC's \$9 Million Deficit in 2003.
(5-0)
- l. Item Page -2004 (Comm. 9D-15)
BUDGET, MANAGEMENT & FINANCE: Response to Request for ECMC Financial
Information.
(5-0)

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- | | | | | |
|----|---|------|-------|----------------|
| m. | Item | Page | -2004 | (Comm. 10E-3) |
| | DEBENEDETTI: Letter to Empire State Development Re: Incentives to Bass Pro Shops. | | | |
| | (5-0) | | | |
| | | | | |
| n. | Item | Page | -2004 | (Comm. 11D-4) |
| | BUDGET, MANAGEMENT & FINANCE: Response to Request for Information on 2004 Pension Costs. | | | |
| | (5-0) | | | |
| | | | | |
| o. | Item | Page | -2004 | (Comm. 11E-2) |
| | COMPTROLLER: Response to Request for Documentation to Support Payments Made for Services Provided with Sale of ECMC. | | | |
| | (5-0) | | | |
| | | | | |
| p. | Item | Page | -2004 | (Comm. 13D-1) |
| | ECMCC: Financial Statements 4/04. | | | |
| | (5-0) | | | |
| | | | | |
| q. | Item | Page | -2004 | (Comm. 13D-12) |
| | OFFICE OF THE COMPTROLLER: Erie County Operation of City Parks – Use of Tobacco Funds. | | | |
| | (5-0) | | | |
| | | | | |
| r. | Item | Page | -2004 | (Comm. 13E-2) |
| | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for 5/04. | | | |
| | (5-0) | | | |
| | | | | |
| s. | Item | Page | -2004 | (Comm. 13E-7) |
| | DEBENEDETTI: Copy of Letter to Budget Director Re: ECMCC 2003 Deficit. | | | |
| | (5-0) | | | |
| | | | | |
| t. | Item | Page | -2004 | (Comm. 13E-12) |
| | COUNTY CLERK: Report of Receipts & Disbursements of Mortgage Tax Collected 10/1/03 – 4/30/04. | | | |
| | (5-0) | | | |
| | | | | |
| u. | Item | Page | -2004 | (Comm. 13M-2) |
| | CENTRAL McKINLEY TAXPAYERS ASSOCIATION: Request for Information on Medicaid Spending. | | | |
| | (5-0) | | | |
| | | | | |
| 2. | Item | Page | -2004 | (Comm. 1D-21) |
| | DIRECTOR OF BUDGET, MANAGEMENT & FINANCE | | | |

AS AMENDED

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WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204209 through 204223 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2002	Petition No.	204209
ASSESSOR	Refund	\$50.00	
S-B-L	69.20-4-35./D	142289 AMHERST	
Acct. No. 112	\$0.00	County	
Acct. No. 132	\$50.00	Town/SpecialDist/School	
<u>Charge To</u>	:142289 AMHERST		\$50.00

REFUND - CLERICAL ERROR, THE PRE TREAT SURCHARGE WAS PLACED ON THIS PARCEL IN ERROR. RPTL 550(2)E
 CHECK FOR: JAMEY L MORAN

FISCAL YEAR	2003	Petition No.	204210
ASSESSOR	Cancel	\$50.00	
S-B-L	142289 AMHERST		
Acct. No. 112	\$0.00	County	
Acct. No. 132	\$50.00	Town/SpecialDist/School	
<u>Charge To</u>	:142289 AMHERST		\$50.00

REFUND - CLERICAL ERROR, PRE TREATMENT CHARGE PUT ON PARCEL IN ERROR. RPTL 550(2)E
 CHECK FOR: JAMEY L MORAN

FISCAL YEAR	2004	Petition No.	204211
ASSESSOR	Refund	\$50.00	
S-B-L	69.20-4-35./D5	142289 AMHERST	

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Acct. No. 112	\$0.00	County	
Acct. No. 132	\$50.00	Town/SpecialDist/School	
<u>Charge To</u> :142289 AMHERST			\$50.00

REFUND - CLERICAL ERROR, THE PRE TREAT SURCHARGE WAS PLACED ON PARCEL IN ERROR. RPTL 550(2)E
 CHECK FOR: JAMEY L MORAN

FISCAL YEAR	2004	Petition No.	204212
ASSESSOR	Refund		\$291.00

S-B-L 207.11-1-10 144489 EVANS

Acct. No. 112	\$0.00	County	
Acct. No. 132	\$291.00	Town/SpecialDist/School	
44093 ERIE CO SEW DST 2	\$291.00		
<u>Charge To</u> :144489 EVANS			\$0.00

REDFUND - CLERICAL ERROR, THE FRONTAGE WAS ENTERED INCORRECTLY ON THE TAX ROLL AND WAS CHARGED FOR 2 UNITS WHEN IT SHOULD BE 1 UNIT.
 RPTL 550(2)E CHECK FOR: SHAWN W LOGAN

FISCAL YEAR	2004	Petition No.	204213
ASSESSOR	Refund		\$84.40

S-B-L 235.06-3-15.1 144489 EVANS

Acct. No. 112	\$0.00	County	
Acct. No. 132	\$84.40	Town/SpecialDist/School	
44069 ERIE CO SEW DIST 2	\$84.40		
44069 ERIE CO SEW DIST 2	\$84.40		
44069 ERIE CO SEW DIST 2	\$84.40		
44069 ERIE CO SEW DIST 2	\$84.40		
<u>Charge To</u> :144489 EVANS			-\$253.20

REFUND - CLERICAL ERROR, THE FOOTAGE WAS CALCULATED INCORRECTLY ON THE TAX ROLL. RPTL 550(2)E
 CHECK FOR: EUGENE STRIANESE

FISCAL YEAR	2004	Petition No.	204214
ASSESSOR	Cancel		\$185.29

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S-B-L 151.78-3-9 144801 BLASDELL

Acct. No. 112	\$0.00	County	
Acct. No. 132	\$185.29	Town/SpecialDist/School	
<u>Charge To</u> :144801 BLASDELL			\$185.29

Relevy Village \$185.29 Village of BLASDELL
 CANCEL =- CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 14,800 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2003 Petition No. 204215

ASSESSOR Cancel \$73.75

S-B-L146489 TONAWANDA

Acct. No. 112	\$0.00	County	
Acct. No. 132	\$73.75	Town/SpecialDist/School	
<u>Charge To</u> :146489 TONAWANDA			\$73.75

Relevy Village \$73.75 Village of TONAWANDA
 REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 11,125 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: DORIS BATEN

FISCAL YEAR 2003 Petition No. 204216

ASSESSOR Refund \$134.49

S-B-L 66.78-2-4 146401 KENMORE

Acct. No. 112	\$0.00	County	
Acct. No. 132	\$134.49	Town/SpecialDist/School	
<u>Charge To</u> :146401 KENMORE			\$134.49

Relevy Village \$134.49 Village of KENMORE
 REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 11,125 WASW OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: DORIS BATEN

FISCAL YEAR 2004 Petition No. 204217

ASSESSOR Cancel \$156.77

S-B-L 66.78-2-4 146401 KENMORE

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Acct. No. 112	\$0.00		County
Acct. No. 132	\$156.77	Town/SpecialDist/School	
<u>Charge To</u> :146401 KENMORE			\$156.77

Relevy Village \$156.77 Village of KENMORE
 CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 11,125 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 204218

ASSESSOR Refund \$76.28

S-B-L 66.78-2-4 146489 TONAWANDA

Acct. No. 112	\$42.17		County
Acct. No. 132	\$34.11	Town/SpecialDist/School	
<u>Charge To</u> :146489 TONAWANDA			\$34.11

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 11,125 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: DORIS BATEN

FISCAL YEAR 2003 Petition No. 204219

ASSESSOR Refund \$138.70

S-B-L 66.78-6-17 146489 TONAWANDA

Acct. No. 112	\$80.59		County
Acct. No. 132	\$58.11	Town/SpecialDist/School	
<u>Charge To</u> :146489 TONAWANDA			\$58.11

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 13,800 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: PHYLLIS MERCURIO

FISCAL YEAR 2003 Petition No. 204220

ASSESSOR Refund \$255.71

S-B-L 66.78-6-17 146401 KENMORE

Acct. No. 112	\$0.00		County
Acct. No. 132	\$255.71	Town/SpecialDist/School	
<u>Charge To</u> :146401 KENMORE			\$255.71

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Relevy Village \$255.71 Village of KENMORE
 REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 13,800 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: PHYLLIS MERCURIO

FISCAL YEAR 2004 Petition No. 204221

ASSESSOR Cancel \$278.49

S-B-L 66.758-6-17 146401 KENMORE

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$278.49 Town/SpecialDist/School
Charge To :146401 KENMORE \$278.49

Relevy Village \$278.49 Village of KENMORE
 CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 13,800 WAS REMOVED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 204222

ASSESSOR Refund \$49.06

S-B-L 81.06-3-65 142201 WILLIAMSVILLE

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$49.06 Town/SpecialDist/School
Charge To :142201 WILLIAMSVILLE \$49.06

Relevy Village \$42.16 Village of WILLIAMSVILLE
 CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX FROLL. THE ASSESSED VALUE WAS 88,900 AND SHOULD BE
 78,900.
 RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204223

ASSESSOR Cancel \$53.97

S-B-L 80.08-6-37 142201 WILLIAMSVILLE

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$53.97 Town/SpecialDist/School
Charge To :142201 WILLIAMSVILLE \$53.97

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Relevy Village \$46.38 Village of WILLIAMSVILLE
 CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THIS PARCEL. THE ASSESSMENT WAS 106,000 WAS 95,000. RPTL 550(2)A
 (5-0)

3. Item Page -2004 (Comm. 13E-31)
COUNTY EXECUTIVE

WHEREAS, the Jewish Community Center of Greater Buffalo is a well-known and respected community-based organization which provides a variety of high quality programs that include early childhood education and childcare, after school programs, services for seniors, physical fitness facilities, as well as an urban meeting place for diverse members of our community; and

WHEREAS, the Jewish Community Center of Greater Buffalo intends to establish at its Holland Family Building a *Tree of Life Terrace and Playground* that will provide a universally-accessible play environment for children of all ages, abilities and backgrounds; and

WHEREAS, as a result of increased enrollments in the early childhood and after school programs, the current play space at the Center is no longer adequate and needs to be expanded and re-designed to include age-appropriate, universally-accessible play structures and in addition, the terrace would be renovated and revitalized to enhance the multi-generational use of the outdoor facilities for families and seniors; and

WHEREAS, studies have demonstrated that integrated play environments, such as the proposed *Tree of Life Terrace and Playground*, benefit children physically, socially and emotionally; and

WHEREAS, the Jewish Community Center of Greater Buffalo has requested County funds in the amount of \$25,000 for this project, and such funds would be used in combination with private sector and earned revenue resources,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement to provide funds to the Jewish Community Center of Greater Buffalo, in the amount of \$25,000, for purposes noted above; and be it further

RESOLVED, that the source of funds in the amount of \$25,000 for this agreement were re-appropriated in the Regionalism/Economic Development Fund in Cost Center 1335010, and these funds shall be transferred to Cost Center 1332010, Community/Neighborhood Development Agencies, to be further designated as follows:

Jewish Community Center of Greater Buffalo	
<i>Tree of Life Terrace and Playground</i>	\$25,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and Hy Tabachnick, Acting Director, Jewish Community Center of Greater Buffalo, 787 Delaware Avenue, Buffalo, New York 14209.

(5-0)

AS AMENDED

4. Item Page -2004 (Intro. 13-5)
DEBENEDETTI, WEINSTEIN, MARINELLI, SMITH & KUWIK

WHEREAS, the County of Erie employs approximately 9,000 employees in various capacities, including through the General Fund, the Road Fund, Social Services Fund, Grant Fund, the Buffalo and Erie County Public Library System, and Erie County Medical Center Corporation, and

WHEREAS, for the fiscal health and well-being of the County government and in the interest of accountability for the taxpayers, it is essential that budgeted and funded but vacant positions in County government be monitored and either filled or eliminated to save money, and

WHEREAS, while detailed information concerning such budgeted vacancies is routinely produced and monitored by the County Administration, no information is regularly or routinely shared with the legislative branch, and

WHEREAS, the prime function of the legislative branch is to serve as a fiscal agent and a check and balance regarding county finances, and

WHEREAS, the Legislature is unable to fulfill that mandated role without accurate, up-to-date information concerning position vacancies, and

WHEREAS, the Legislature has not been regularly or routinely availed of such vacancy information and has not been provided with position vacancy reports and information for many years, and

WHEREAS, published reports indicate that the County of Erie may be forced to lay-off county employees in 2004 due to serious fiscal constraints, and

WHEREAS, the County Comptroller has not conducted an audit or review of position vacancies since April 2002, and

WHEREAS, by way of example, for more than 15 years, the County Executive has been required to submit monthly budget monitoring reports to the Legislature as a means for Legislators to monitor the County's fiscal situation,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature hereby reaffirms its mission as a fiscal agent for Erie County, and as a check and balance on the powers of the executive branch, and be it further

RESOLVED, that given the technological and financial advances made in county government through the implementation of ERP/SAP, the Erie County Legislature hereby calls on the County Executive, Commissioner of Personnel, and Budget Director to immediately start providing bi-weekly position vacancy and position inventory reports to the Legislature, and be it further

RESOLVED, that this Honorable Body calls on the County Comptroller to initiate an audit of vacant, unfilled positions in Erie County government, including ECMCC, and all funds, and to report the results to the Legislature expeditiously, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Commissioner of Personnel, Budget Director, and County Comptroller.

Fiscal Impact: None for this resolution.
 (5-0)

ALBERT DEBENEDETTI
CHAIRMAN

MR. DEBENEDETTI moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 282

June 17, 2004

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

- a. Item Page -2004 (Comm. 11M-3)
BUFFALO MAYOR MASIELLO: Letter to Chairman Holt Re: Development Activities at Buffalo Lakeside Commerce Park.
 (5-0)

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- b. Item Page -2004 (Intro. 11-9)
SWANICK, McCARVILLE & CUSACK: Supporting the Creation of the Niagara River
Greenway Commission.
(5-0)

- c. Item Page -2004 (Comm. 13D-4)
COUNTY ATTORNEY: Legal Opinion Re: Modification of Prevailing Wage Enforcement
Provisions of County Contracts.
(5-0)

- d. Item Page -2004 (Comm. 13M-3)
DEVELOPMENT DOWNTOWN: Buffalo Lakeside Commerce Park.
(5-0)

2. Item Page -2004 (Comm. 11E-14)
COUNTY EXECUTIVE
WHEREAS, the Erie County Main Library is in need of escalator replacement, and

WHEREAS, it is now also desired to start design of the replacement of escalators so it can be bid in 2004,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to URS Corporation, on a percentage of construction basis, not to exceed \$113,000, including testing, reimbursables, and miscellaneous expenses relative to the engineering design services required for the Erie County Main Library Escalator Replacement, and be it further,

RESOLVED, that the \$113,000 fee allocation be taken from Project No. A.00248, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Erie County Library; and one copy to the Office of the County Executive.
(5-0)

3. Item Page -2004 (Comm. 11E-17)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the EC Courts Master Plan Implementation Renovation on May 22, 2002, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in an amount not to exceed \$42,731,953.00, and

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WHEREAS, many design changes and unforeseen conditions related to asbestos buried piping and conduits in walls and floors and structural conditions for 77 West Eagle, 25 Delaware Avenue, and Old County Hall have exhausted our construction contingency fund, and

WHEREAS, due to the many changes and increased scope of this very complicated project, the general contingency which includes:

Owner's Contingency
 Architect/Engineer's Contracts
 Construction Manager's Contracts
 A/E & CM Contingencies
 Miscellaneous Contingency
 Inspection Contingency
 Department of Public Works' Consultants' Service Agreement, and salary costs for the Commissioner's Office, and
 Commissioning and Testing, need to be fully funded, and

WHEREAS, the skylights and curbing on the roof of Old County Hall were not part of the original scope of work but have deteriorated to the point where they have become a safety concern and need to be replaced, and

WHEREAS, the Unified Court System, Office of Court Administration, has requested changes to the scope of the project, increasing the appropriations for the project in an amount not to exceed \$200,000,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$4,500,000.00 from \$6,227,195.00 to \$10,727,195.00, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the general contingency which includes –

Owner's Contingency,
 Architect/Engineer's Contracts
 Construction Manager's Contracts
 A/E and CM Contingencies
 Miscellaneous contingencies
 Inspection contingencies
 Department of Public Works' engineers and consultants service agreements, and
 Commissioning and testing fees be increased by \$800,000 from \$11,027,000.00 to

\$11,827,000.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the general contingency, and be it further,

RESOLVED, that the project's appropriations be increased in the amount of \$200,000.00 by Office of Courts Administration funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from the following: 2004 Courts Renovations, Project A.00018 for \$5,000,000 and 2003 Roof and Waterproofing, Project A.00070 for \$300,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Office of Courts Administration; and one copy to the Office of the County Executive.

(5-0)

4. Item Page -2004 (Comm. 13E-13)

COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning Community Development has recommended personnel changes in the Departmental and Community Development Block Grant Budgets; and

WHEREAS, Department personnel provide services to Sewer, Capital and Grant Fund programs which are not currently being reimbursed from those sources; and

WHEREAS, savings to the Operating Fund will be achieved by charging back a portion of salary and fringes benefit costs for these personnel to those funds; and

WHEREAS, implementation of these chargebacks and personnel changes will result in a net savings of \$62,715 to the Operating Fund and \$23,201 to the Community Development Block Grant for the remainder of the year; and

WHEREAS, these changes will help the Department prepare for the anticipated retirement of several senior level personnel and maintain continuity of support for essential programs

NOW, THEREFORE, BE IT

RESOLVED, that the following personnel changes are hereby approved in the Community Development Block Grant Program Budget within the Department of Environment and Planning:

Delete – Senior Planner, JG 12 (2 positions)
 Add – Assistant Planner, JG 8 (2 positions)
 Reallocate – Sr. Housing Inspector from JG 9 to JG 10

and be it further

RESOLVED, that the following personnel changes are hereby approved within the Department of Environment and Planning:

Add – Supervising Accountant, JG 11
 Delete – Accountant, JG 9
 Reallocate – Secretary, Commissioner of Env. & Planning from JG 8 to JG 9
 Add – Junior Planner – Cultural & Public Benefit Programs, JG 7

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Commissioner of Personnel; the Commissioner of the Department of Environment and Planning; and the Director of the Office of Budget, Management, and Finance.

(5-0)

5. Item Page -2004 (Comm. 13E-33)

COUNTY EXECUTIVE

WHEREAS, the Lackawanna Community Development Corporation (LCDC)(as lead agency) has requested \$25,000 to assist in efforts to restore Veterans Stadium on South Park Avenue in the City of Lackawanna; and

WHEREAS, the Veterans Stadium Restoration honors veterans who served in the Armed Forces; and

WHEREAS, the Stadium Restoration will enhance the tourist appeal of this area, as the site is adjacent to Our Lady of Victory Basilica and within 1 mile of South Park's restored Erie County Botanical Gardens; and

WHEREAS, the City of Lackawanna, the Lackawanna Community Development Corporation in conjunction with the Lackawanna Chamber of Commerce, and several veterans organizations have already raised over \$300,000 from various public and private sources to fund other portions of this project; and

WHEREAS, the Lackawanna Community Development Corporation requires the assistance of Erie County to help in restoring the playing field and grandstand portion of this project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Lackawanna Community Development Corporation for the purposes noted above; and be it further

RESOLVED, that funds in the amount of \$25,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning; and be it further

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RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

6. Item Page -2004 (Comm. 13E-34)

COUNTY EXECUTIVE

WHEREAS, The County of Erie holds an ownership interest in a railroad right-of-way in the Town of Cheektowaga and the Villages of Depew and Lancaster through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said right-of-way being designated Line 1242; and

WHEREAS, The County of Erie holds an ownership interest in a railroad right-of-way between the City of Buffalo and the Village of Gowanda through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said railroad right-of-way being designated Line 1246; and

WHEREAS, The most recent of the aforementioned lease agreements will expire by its own terms on September 15, 2004; and

WHEREAS, It is the desire of the County and the Erie County Industrial Development Agency to continue the operating relationship for Rail Lines 1242 and 1246 for an additional five years; and

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into any necessary agreements and other documents with the Erie County Industrial Development Agency for the leasing and ongoing operation for railroad rights-of-way, being designated Lines 1242 and 1246, the term of which shall extend from September 15, 2004 to September 15, 2009; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

7. Item Page -2004 **AS AMENDED**
 (Comm. 13E-35)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on March 11, 2004 for the Main Branch of the Buffalo & Erie County Library -Phases I & II Renovations Plan Implementation, and

WHEREAS, the Erie County Legislature is in the process of approving the low bidder, Ackerman Mechanical, in the amount of \$47,777.00, and

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WHEREAS, Ackerman Mechanical stated his bid was only good for forty-five days, and

WHEREAS, it is now beyond the forty-five days, and

WHEREAS, the Department of Public Works contacted the second low bidder, Jim Ando Plumbing in the amount of \$59,170.00, and

WHEREAS, Jim Ando Plumbing stated his bid of March 11, 2004 would be honored with a forty-five day extension,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contact as follows:

Plumbing Work

Jim Ando Plumbing

Base Bid	\$45,650.00
Alternate Bid No. 4	<u>+13,520.00</u>
Total	\$59,170.00

and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2003 Central Library Interior Improvements account, Project F.00006, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Office of the County Executive; and one copy to the Erie County Library.

(5-0)

8. Item Page -2004 (Comm. 13E-36)

COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved a contract for the 2003 Contractor Placed Pavement, North, Project No. CPP-N-03 between DiPizio Construction and the County of Erie, in Meeting No. 15, held on September 11, 2003, and

WHEREAS, sitework needed to be performed in a timely manner at the Fire Training Academy campus, and

WHEREAS, the cost for this work was approved in the 2003 Capital Budget under a bonded project for the Erie County Fire Training Academy,

NOW, THEREFORE, BE IT,

RESOLVED, that the Highways Project No. CPP-N-03, 2003 Contractor Placed Pavement, North be reimbursed in the amount of \$213,000 from the EC Fire Training Academy Project A.00036, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Department of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.
 (5-0)

9. Item Page -2004 (Comm. 13E-38)

COUNTY EXECUTIVE

WHEREAS, a project for the Signal Replacements on Colvin Avenue (CR 118) at Belmont Road, Colvin Avenue (CR 118) at Brighton Road (CR 196), and Brighton Road (CR 196) at Eggert Road (CR 130), in the Town of Tonawanda, Erie County, PIN 5756.86, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the project by making a commitment of 100% of non-Federal share of the costs of the Preliminary Engineering (Design I-V1) Phase of the Project, PIN 5756.86,

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) Phase of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$100,000 is hereby appropriated from the 2004 Colvin Boulevard-Brighton Road Signals 5756.86 Design Program and made available to cover the cost of participation in the above phase of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Design I-V1) Phase exceeds the amount appropriated \$100,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection

with the advancement or approval of the project and providing for the administration of the project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.
 (5-0)

10. Item Page -2004 (Comm. 13E-39)

COUNTY EXECUTIVE

WHEREAS, a project for the construction of a new Bicycle/Pedestrian Pathway, known as the Tonawanda Rails-To-Trails Project in the Town and City of Tonawanda, Erie County, PIN 5756.84, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.84.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further

RESOLVED, that a sum of \$350,000 is hereby appropriated from the 2004 Tonawanda Rails to Trails 5756.84 Design Program and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases exceeds the amount appropriated \$350,000, the County of Erie shall convene its

Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.

(5-0)

11. Item Page -2004 (Comm. 13E-40)

COUNTY EXECUTIVE

WHEREAS, a project for the Bicycle/Pedestrian Pathway, known as the Seneca Creek Pathway in the Towns of West Seneca and Cheektowaga, Erie County, PIN 5756.89 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of non-Federal share of the costs of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.89.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby,

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$210,000 is hereby appropriated from the 2004 Seneca Creek Pathway 5756.89 Design Program, and made available to cover the cost of participation in the above phases of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases exceeds the amount appropriated \$210,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.

(5-0)

12. Item Page -2004 (Comm. 13E-41)

COUNTY EXECUTIVE

WHEREAS, a project for the Signal Replacements on Elmwood Avenue (CR 119) at Kenmore Avenue (CR 307); Victoria Boulevard; Washington Avenue; Girard Boulevard; Woodward Avenue; and Westchester Boulevard, in the Village of Kenmore and Town of Tonawanda, Erie County, PIN 5756.87 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Design I-V1) Phase of the Project, PIN 5756.87,

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

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RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) Phase of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$70,000 is hereby appropriated from the 2004 Elmwood Avenue Corridor Signals 5756.87 Design Program and made available to cover the cost of participation in the above phase of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-V1) Phase exceeds the amount appropriated \$70,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.
 (5-0)

13. Item Page -2004 (Comm. 13E-42)

COUNTY EXECUTIVE

WHEREAS, a project for the Intersection Improvement of Greiner Road (CR 37) and Shimerville Road (CR 279) in the Town of Clarence, Erie County, PIN 5756.85 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.85,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$170,000 is hereby appropriated from the 2004 Greiner Road and Shimerville Road Intersection Signalization 5756.85 Design Program and made available to cover the cost of participation in the above phases of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases exceeds the amount appropriated \$170,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.
 (5-0)

AS AMENDED

14. Item Page -2004 (Intro. 13-6)
SCHROEDER, KUWIK, SMITH, SWANICK, MARSHALL & HOLT

WHEREAS, in February 2003, at the request of the Erie County Executive, the Erie County Legislature approved appropriating up to \$15,000 to pay for the travel and other expenses of a student research team from Harvard University's John F. Kennedy School of Government to, among other things, study the potential of creating a regional parks system connecting waterfront parks in Erie, Niagara, and Chautauqua Counties that mirrored the Niagara Parks Commission in Ontario, and

WHEREAS, that Harvard student team was apparently going to examine the “legal, financial and community impact” of linking parks along Lake Erie, the Niagara River and Lake Ontario, with the potentials ranging from “connecting waterfront parks through a system of trails to creating a new, overarching parks authority,” and

WHEREAS, according to an Administration official, the Harvard team was to report their findings to the County by June 2003, and

WHEREAS, to-date, no such report has ever been reported, discussed, nor communicated to the Erie County Legislature, and

WHEREAS, in early 2003, Assemblyman Sam Hoyt introduced Assembly Bill 7418, the Niagara River Park Act, which “would benefit all residents of the state... the process will enhance the ability of New Yorkers to enjoy the Niagara River; protect the river, including its role as an aquatic habitat; promote the health, safety, and welfare of the people of the state; increase the quality of life in the adjoining community and the state as a whole; help alleviate the unhealthy and dangerous conditions that characterize the parts of the area; and boost tourism and stimulate the economy,” and

WHEREAS, in Summer 2003, the Buffalo Olmsted Parks Conservancy began studying and working on a proposal for a 40-mile “linear park” starting at Fort Niagara and running along the Niagara River to Buffalo’s South Park, including Gallagher Beach State Park, Tiffit Nature Preserve, Times Beach Nature Preserve, LaSalle Park, Front Park, Riverside Park, Cherry Farm site, Beaver Island State Park, Buckhorn Island State Park, Isle View Park, Niawanda Park, the Niagara Falls State Reservation, Whirlpool State Park, Devil’s Hole State Park, Artpark, Joseph Davis State Park, and Fort Niagara State Park

WHEREAS, the Conservancy stated that they would apply to the National Park Service for a grant to study and plan the possibilities for such a linear park – a park that the Conservancy suggested could cost between \$50 and \$100 million, and

WHEREAS, in September 2003, Legislator Lynn Marinelli and former Legislator Judith Fisher sponsored Intro. 15-26, a resolution supporting the Olmsted Parks Conservancy’s proposal, and

WHEREAS, in 2003, the Greater Buffalo Niagara Regional Transportation Council suggested using a planned bike route connecting seven state parks and 20 municipal parks along the Niagara River as the basis for a linear park, and

WHEREAS, members of the WNY Relicensing Consensus Committee have called on the New York Power Authority (NYPA) to financially support the creation of a linear park system as a part of the relicensing of the Niagara Power Project, and to that end, to engage a neutral facilitator to identify and coordinate the interest and needs of all affected municipalities, community organizations and stakeholders, and

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WHEREAS, in his January 2004 Executive Budget, Governor George Pataki called for the creation of a Niagara River Greenway, “to be modeled after the successful Hudson River Valley Greenway, which will lend communities in Western New York guidance and expertise in shaping the future of the Niagara River and its surrounding communities,” and

WHEREAS, on May 17, 2004, Governor Pataki introduced legislation to create the Niagara River Greenway Commission, a fourteen-member body to “aid in the planning and development of a Lake Ontario to Lake Erie greenway of interconnected parks, river access points and waterfront trails along the Niagara River,” and

WHEREAS, Pataki stated “the Niagara River Greenway Commission will provide a solid framework in helping local communities develop a linear park system along the Niagara River... the Commission will allow dozens of communities – both on the River and nearby – to boost local tourism, enhance recreation and create new jobs and economic opportunities for the people of Western New York,”

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the creation of a linear park system stretching from Fort Niagara at the mouth of the Niagara River and Lake Ontario to Lake Erie State Park in Chautauqua County, and be it further

RESOLVED, that this Honorable Body encourages Governor George Pataki and the State Assembly and State Senate to increase the scope of the linear parks concept, to immediately engage a facilitator to represent the interests of the parks system concept before the NYPA Relicensing Committee beginning in August 2004, and to work cooperatively to enact legislation to create a Niagara Frontier Greenway Commission, including additional representatives and including a greater scope of the linear park system extending along Lake Erie including southern Erie County and into northern Chautauqua County, and including state government and Power Authority funds for the creation of a regional parks system, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor George Pataki, the local delegation of the New York State Legislature, Bernadette Castro of the New York State Office of Parks, Recreation and Historic Preservation, Louis Ciminelli, Chairman of the New York State Power Authority, the Erie County Executive, Erie County Commissioner of Parks, Recreation and Forestry, Erie County Commissioner of Environment and Planning, the Niagara County Legislature, Chautauqua County Executive Mark Thomas, the Chautauqua County Legislature, Buffalo Mayor Anthony Masiello, the Buffalo Common Council, Town of Tonawanda Supervisor Ronald Moline, the Tonawanda Town Board, Grand Island Supervisor Peter McMahon, the Grand Island Town Board, Niagara Falls Mayor Vincent Anello, the Niagara Falls City Council, Tonawanda Mayor Jack Gallagher, the Tonawanda City Council, Deborah Trimble of the Buffalo Olmsted Parks Conservancy, David Colligan of Watson, Bennett, Colligan, Johnson & Schechter, Hal Morse of the Greater Buffalo Niagara Regional Transportation Council, and the Friends of the Buffalo Niagara Rivers.

Fiscal Impact: Not known at this time.

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(5-0)

MARK J. F. SCHROEDER
CHAIRMAN

MR. SCHROEDER moved to separate items #3 (Comm. 11E-17), and #14 (Intro. 13-16), and moved the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SCHROEDER moved to amend item #2. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ATTACH the following chart:**



Erie County Renov. Courthouse Bid Package Contingency & A/E - CM Summary
for June 17, 2004 Report

Cont. NO.	Description	Base Bid Total With All	Contingency	Issues	Approved Changes	Protected at Completion	E Remaining Conting. (B - (C+D))	% Remain. Conting. (E)	C		
									A	B	Pending Change
101	Asbestos	\$4,975,000	\$497,500	\$5,671	\$1,284,993	\$6,245,964	-\$773,164	-15.64%			
102	General Construction	\$8,960,000	\$896,000	\$636,363	\$1,492,515	\$11,088,878	-\$1,232,878	-137.6%			
103	Inferior Construction	\$2,566,300	\$256,630	\$139,808	\$633,785	\$3,339,883	-\$516,983	-201.4%			
104	Flooring & Carpentry	\$894,000	\$89,400	\$30,766	\$14,918	\$939,684	\$43,716	48.9%			
105	Ceramic Tile	\$443,000	\$44,300	\$8,216	\$72,590	\$523,806	-\$36,506	-82.4%			
106	Painting	\$569,000	\$56,900	\$72,728	\$110,596	\$752,324	-\$126,424	-222.2%			
107	Millwork	\$1,809,680	\$180,968	\$106,653	\$345,759	\$2,282,092	-\$271,444	-150.0%			
108	Elevators	\$892,500	\$89,250	\$6,532	\$30,939	\$930,071	\$51,789	58.0%			
109	HVAC	\$9,587,000	\$958,700	\$158,313	\$345,430	\$10,090,743	\$454,957	47.5%			
110	Temperature Control	\$2,120,000	\$212,000	\$83,673	\$492,127	\$2,895,800	-\$363,800	-171.6%			
111	Plumbing	\$2,192,192	\$219,219	\$21,649	\$156,791	\$2,370,632	\$40,779	18.6%			
112	Fire Protection	\$596,227	\$59,623	\$80,630	\$31,206	\$708,063	-\$52,213	-87.6%			
113	Electrical	\$428,200	\$42,820	\$185,718	\$698,588	\$5,186,306	-\$456,106	-106.5%			
201	Gen Const. LL	\$2,100,000	\$210,000	\$21,062	\$488,097	\$2,609,159	-\$299,159	-142.5%			
202	HVAC LL	\$331,800	\$33,180	\$5,718	\$46,399	\$378,199	-\$13,219	-39.8%			
203	Plumbing LL	\$156,156	\$15,616	\$37,566	\$5,718	\$161,874	\$9,898	63.4%			
204	Electrical LL	\$257,000	\$25,700	\$37,566	\$37,566	\$294,566	-\$11,866	-46.2%			
	1. Additional Contingency funds approved by Leg.		\$350,000				\$350,000				
	2. Additional Contingency funds approved by Leg. 02/04		\$1,219,999				\$1,219,999				
	3. Additional Contingency funds approved by Leg. 05/04		\$384,000				\$384,000				
	4. OCA Reimbursement		\$4,500,000				\$4,500,000				
			\$300,000				\$300,000				
Totals		\$42,731,956	\$11,027,195	\$1,557,782	\$6,268,077	\$50,557,754	\$3,201,396				

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MR. SCHROEDER moved the approval of the item as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SCHROEDER moved to amend item #14 to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MR. SCHROEDER moved the approval of the item as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 27 – CHAIRMAN HOLT directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 15-1 From LEGISLATOR McCARVILLE, MINORITY CAUCUS Re: Support for a Community Preservation Fund (S.6949/A.10053).

Item 28 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

Re: Appointment to the Board of
Directors of the Erie County Soil &
Water Conservation District.

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Hon. Timothy M. Wroblewski at 188 Sky Hi Drive of West Seneca, New York, 14224, to the Board of Directors of the Erie County Soil & Water Conservation District for a term to expire April 10, 2005.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. McCARVILLE moved to reconsider item #27 (Intro. 15-1). MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved to refer item #27 (Intro. 15-1) to the ENERGY & ENVIRONMENT COMMITTEE. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

Re: Consideration for Public Benefit Funding. (Intro. 15-3)

A RESOLUTION SUBMITTED BY
 LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
American Cancer Society West Seneca Relay for Life	\$ 1,000	WROBLEWSKI
TOTAL	\$ 1,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 31 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 15-4 From LEGISLATOR CHASE Re: Proposed Rule Change to the Erie County Legislature's 2004 Rules of Order.

Item 32 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 285

Re: Controlling the Cost of
 Unemployment Claims Against Erie
 County. (Intro. 15-5)

A RESOLUTION SUBMITTED BY
 LEGISLATOR SWANICK

WHEREAS, controlling the cost of unemployment claims against Erie county is important to protect taxpayer dollars, and

WHEREAS, with potential layoffs as a result of runaway Medicaid costs, appropriate unemployment claims and utilization review will be more important then ever,

NOW, THEREFORE BE IT

RESOLVED, that one position of Unemployment Insurance Assistant Job Group 8 is deleted in the Erie county Personnel Department and one position of Unemployment Insurance Assistant Job Group 10 is created, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Commissioner of Personnel, Erie County Budget Director and the Erie County Executive.

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Fiscal Impact: To Be Determined

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ATTACH** the following letter.

June 24, 2004

Honorable Lynn Marinelli
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Dear Legislator Marinelli,

This letter is in response to your concerns regarding Resolution 15-5. Passage of this item will settle a pending union grievance that has been filed for out of title work.

Should you have additional questions, please do not hesitate to contact me.

Sincerely,

John W. Greenan
 Commissioner of Personnel

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286

Re: Consideration for Public Benefit
 Funding. (Intro. 15-6)

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARSHALL

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

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WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Iroquois Central School District	\$5,000	MARSHALL
Millgrove Volunteer Fire Dept.	\$6,500	MARSHALL
Boys & Girls Club of Holland	\$7,000	MARSHALL
EMW Boys & Girls Club	\$15,000	MARSHALL
Town of Sardinia	\$10,000	MARSHALL
TOTAL	\$43,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Iroquois Central School District	\$5,000	MARSHALL
Millgrove Volunteer Fire Dept.	\$6,500	MARSHALL
Boys & Girls Club of Holland	\$7,000	MARSHALL
EMW Boys & Girls Club	\$15,000	MARSHALL
Town of Sardinia	\$10,000	MARSHALL
Jamison Road Volunteer Fire Co.	\$5,500	MARSHALL
TOTAL	\$49,000	

And be it further

MR. RANZENHOFER moved the approval of the resolution as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

Re: Consideration for Public Benefit Funding. (Intro. 15-7)

A RESOLUTION SUBMITTED BY
 LEGISLATOR RANZENHOFER

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Clarence Historical Society	\$3,000	RANZENHOFER

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimeri.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 35 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 288

Re: Consideration for Public Benefit Funding. (Intro. 15-8)

A RESOLUTION SUBMITTED BY
 LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Hutchinson Hose Company	\$2,500	WEINSTEIN
WNY Stop Red Light Running Foundation, Inc.	\$2,000	WEINSTEIN
Amherst Youth Foundation	\$10,000	WEINSTEIN
Group Ministries (All Pro Hoops)	\$1,000	WEINSTEIN
Amherst Youth Board	\$10,000	WEINSTEIN
TOTAL	\$25,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 289

Re: Consideration for Public Benefit
 Funding. (Intro. 15-9)

A RESOLUTION SUBMITTED BY
 LEGISLATOR CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Village of Kenmore	\$1,000	CUSACK
Keep Western New York Beautiful	\$1,000	CUSACK
Town of Cheektowaga	\$3,000	CUSACK
Amherst Center for Senior Services	\$5,000	CUSACK
Snyder Fire Department	\$3,000	CUSACK
Everywomen Opportunity Center	\$2,500	CUSACK
Boys & Girls Clubs of Buffalo	\$1,000	CUSACK
TOTAL	\$16,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Village of Kenmore	\$1,000	CUSACK

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Town of Cheektowaga	\$3,000	CUSACK
Amherst Center for Senior Services	\$5,000	CUSACK
Snyder Fire Department	\$3,000	CUSACK
Everywomen Opportunity Center	\$2,500	CUSACK
Boys & Girls Clubs of Buffalo	\$1,000	CUSACK
TOTAL		\$15,500

And be it further

- **ADD** the following new Second **RESOLVED** Clause:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Keep Western New York Beautiful	\$7,500	CUSACK, CHASE, WEINSTEIN, MARSHALL, McCARVILLE & RANZENHOFER

And be it further

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 37 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 15-10 From LEGISLATOR MARSHALL, MINORITY CAUCUS Re: An Act to Amend State Finance Law in Relation to Establishing a Contingency Budget and Other Budget Reforms (A.11232 & S.7318).

Item 38 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 15-11 From LEGISLATOR SMITH Re: Support of the Fair Minimum Wage Act (A.9710).

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Item 39 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 15-12 From LEGISLATOR SMITH Re: Support for Educational Service Crediting.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 40 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 13E-26 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 290

Re: Homeland Security Grants
 Consulting Services Contract.

WHEREAS, the County's Readiness and Response Emergency Preparedness Team has been established to coordinate the efforts of all county Departments to plan and implement homeland security initiatives to protect our citizenship in the event of a large-scale emergency; and

WHEREAS, the Readiness and Response Emergency Preparedness Team has determined that the services of a professional grant writer would significantly benefit the County in its ability to secure the grant funding necessary to increase and facilitate our capacity to respond to any natural or man-made disaster; and

WHEREAS, pursuant to Section 19.08 of the Erie County Administrative Code, a formal Request for Proposals & Qualifications was issued, and a selection committee from the Readiness and Response Team reviewed proposals received from bidders to provide the grant consulting services sought, and

WHEREAS, a review of proposals has resulted in a recommendation by the Readiness and Response Team that a contract be awarded to Grantmakers Advantage, Inc., of Buffalo, New York, thereby accepting its bid of \$53,000 to provide grant consulting services as outlined in the Request for Proposals & Qualifications; and

WHEREAS, funding for this purpose is available in the Countywide Fund Balance Contingency Account (Fund Center 14010, Commitment Item 402190) and will be transferred to the County Executive's Homeland Security Professional Service Contract and Fees Account (Cost Center 1011010, Commitment Item 516020);

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is authorized to enter into a one-year contract with Grantmakers Advantage, Inc., for an amount not to exceed \$53,000 for grant consulting services related to the County's Homeland Security initiatives; and be it further

RESOLVED, that the source of funds for this contract shall be a transfer from the Countywide Fund Balance Contingency Account (Fund Center 14010, Commitment Item 402190) to the County Executive's Homeland Security Professional Service Contract and Fees Account (Cost Center 1011010, Commitment Item 516020); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Homeland Security Grants Administrator, the Director of the Division of Budget, Management and Finance, the County Comptroller, and the County Attorney.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following **RESOLVE** Clause as the new third (3rd) **RESOLVE**:

RESOLVED, that the grants consultant, through the Deputy County Executive, shall file quarterly progress reports with the Erie County Legislature and including separate mid-year and end-of-year reports detailing the grants consultant's project objectives and the consultant's progress on meeting those objectives, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 41 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 11E-27 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 291

Re: Funding for the Union Ship Canal
 Infrastructure Work.

WHEREAS, The County of Erie is interested in fostering business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the environmentally sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

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WHEREAS, The Development Downtown Inc. owns an approximately 100-acre site known as the Union Ship Canal site which is an abandoned industrial brownfield and desires to construct new roads, utilities, pedestrian walkways and redevelop the parcel into productive reuse; and

WHEREAS, Erie County desires to work with the ECIDA and the City of Buffalo to redevelop this brownfield and assist in funding the costs of construction through various state and federal programs and direct contracting for these services where appropriate; and

WHEREAS, Erie County recognizes the extraordinary costs associated with brownfield redevelopment and that the depressed real estate market requires continued public support; and

WHEREAS, Erie County recognizes the need for local financial participation in order to receive state and federal funding assistance in brownfield redevelopment programs; and

WHEREAS, The success of Phase I of the Union Ship Canal project has created business and job growth opportunities and the County of Erie desires to continue that success,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts not to exceed Seven Hundred Thousand Dollars (\$700,000), with the Erie County Industrial Development Agency, Development Downtown Inc., the City of Buffalo and the U.S. Army Corp of Engineers for the purpose of funding projects which will move the Union Ship Canal redevelopment forward; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements for ownership of property or easements as may be necessary for infrastructure improvements such as sewers or roadways; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements for purposes of environmental remediation, indemnification or environmental covenants with the City of Buffalo, Development Downtown Inc., Erie County Industrial Development Agency and the New York State Department of Environmental Conservation; and be it further

RESOLVED, That the source of funds will be \$700,000 available in the approved 2001 Erie County Capital Budget, subject to approval of a bond resolution for this purpose; and be it further

RESOLVED, That any revenues received by the Erie County Industrial Development Agency, Development Downtown Inc., or by the City of Buffalo or any of its development agencies as reimbursements from grant sources, which were originally funded by this appropriation, be retained in a separate account, for future Union Ship Canal projects and that reuse of these funds be contingent upon approval of the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following three (3) **RESOLVE** Clauses as the new fifth (5th), sixth (6th) and seventh (7th) **RESOLVES**:

RESOLVED, that these funds cannot be expended or dispersed to the general contractor or its subcontractors unless and until all minimum minority hiring, employment and contracting goals, consistent with Erie County Laws and as set forth in a plan approved by the Commissioner of Environment and Planning, are assured; and be it further

RESOLVED, that the Erie County Division of Equal Employment Opportunity or an independent contract and compliance agency shall monitor and review all relevant hiring, employment and contract records to insure compliance with Erie County Law; and be it further

RESOLVED, that the Erie County Division of Equal Employment Opportunity or an independent contract and compliance agency shall submit monthly reports to the Erie County Legislature in order to assure compliance with relevant minority hiring, employment and contracting laws; and be it further

DELETE the original fifth (5th) **RESOLVE** Clause and **REPLACE** with the following new eighth (8th) **RESOLVE** Clause:

RESOLVED, that any revenues received by the Erie County Industrial Development Agency, Downtown Development, Inc., or by the City of Buffalo or any of its development agencies as reimbursements from grant sources, which were originally funded by this appropriation, be retained in a separate account, for future Union Ship Canal projects and that reuse of these funds be contingent upon approval of the Commissioner of the Department of Environment and Planning and approval by the Erie County Legislature through appropriate resolution; and be it further

DELETE the original sixth (6th) **RESOLVE** Clause and **REPLACE** with the following new ninth (9th) **RESOLVE** Clause:

RESOLVED, that the Clerk of the Legislature is directed to send certified copies of this resolution to the County Executive; Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; Deputy Commissioner of Environment and Planning for Environmental Compliance; and the County Attorney.

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MS. MARINELLI moved the approval of the resolution as amend. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 42 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 13E-17 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 292

Re: DSS – Authorization to Accept Donated Funds.

WHEREAS, the Department of Social Services is seeking authorization to contract with the Adult Education Division of the Buffalo Public Schools to receive unrestricted donated funds, and

WHEREAS, these funds are to be used for implementation of initiatives targeted to Temporary Assistance to Needy Families clientele, and

WHEREAS, there is a critical need to provide staff for program management, oversight and coordination, and data collection including roster maintenance and tracking of milestones as well as a computer lab for the preparation of resumes and skills development exercises and other expenses for the Distance Learning Initiative as authorized by Legislative Communication 13E-25 (2003), and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget resulting from this proposed resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Commissioner of Social Services are authorized to enter into a contact with and to accept funds in the amount of \$80,000 from the Adult Education Division of the Buffalo Public Schools, and be it further

RESOLVED, that the following positions are hereby created effective May 15, 2004 in the operating department budget of the Department of Social Services:

Number	Title	Job Grade
1	Workforce Development Coordinator	13
1	Principal Clerk	6

(B-100's are attached)

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

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Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Personal Services	\$96,812
502000	Fringe Benefits	21,299
530000	Other Expenses	16,889
561410	Lab and Technical Equipment	<u>25,000</u>
	Total Expense	<u>\$160,000</u>
411630	Federal Aid – Family Assistance Employment	\$80,000
418430	Donated Funds	<u>80,000</u>
	Total Revenues	<u>\$160,000</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 43 – MR. SMITH moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 13E-21 (2004). MR. DUSZA seconded. LEGISLATORS HOLT, MARINELLI & WEINSTEIN in the negative.

CARRIED. (12-3)

RESOLUTION NO. 293

Re: Personnel – Employee Assistance
Program Contract.

WHEREAS, the Employee Assistance Program is responsible for meeting the needs of Erie County's employees who have issues and concerns that affect their job performance; and

WHEREAS, Prism Quality EAP has been recommended for a three-year contract from August 1, 2004 to July 31, 2007 at the cost of \$98,000 for the first year, with a cost adjustment for the following two years based on usage; and

WHEREAS, Prism Quality Care was the choice of the RFP Committee which interviewed companies before making a recommendation.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature authorizes County Executive Joel A. Giambra to enter into a new three-year contract with Prism Quality EAP of 2875 Union Road, Cheektowaga, NY 14227 at an amount not to exceed \$98,000 the first year, there being funds available in Account 821, Dues and Fees, in the budget of the Department of Personnel, and be it further

RESOLVED, that the provisions of Article 19.08 of the Erie County Administrative Code requiring requests for proposal have been compiled with and related paperwork is available for inspection during regular business hours in the Department of Personnel, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Office of the County Comptroller, and the Department of Personnel.

MR. SWANICK moved to amend the resolution. MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, DEBENEDETTI, DUSZA, KUWIK, SCHROEDER, SMITH & WROBLEWSKI. NOES: WEINSTEIN, HOLT & MARINELLI. (AYES 12, NOES 3).

CARRIED.

MR. SWANICK moved for the approval of the resolution as amended. MR. SMITH seconded. LEGISLATORS WEINSTEIN, HOLT & MARINELLI in the negative.

CARRIED. (12-3)

Item 44 – MR. DEBENEDETTI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 9E-65 (2004). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 294

Re: Budget – 2003 Year End Budget
Balancing Amendments.

WHEREAS, the Division of Budget, Management and Finance, in cooperation with the Erie County Comptroller, and in consultation with departmental accountants, has identified accounts with projected budget deficiencies prior to year-end closing, and

WHEREAS, budget amendments are required to eliminate the aforementioned deficiencies in order to close the County's books and prepare financial statements for review by the County's independent auditors for the 2003 fiscal year, and

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WHEREAS, these budget amendments will have no net fiscal impact as funds either are transferred from accounts with available balances to accounts with projected deficiencies or unanticipated revenues are appropriated, and

WHEREAS, final year-end transactions and accrual entries cannot be processed in the accounting system by the Comptroller for accounts with budget deficiencies until said deficiencies are eliminated through budget amendments.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to amend the budgets of General Fund Departments, the Road Fund, the Utility Fund, the Debt Service Funds, and the Department of Social Services as specified in the following schedule, and be it further

RESOLVED, that the following designations of fund balance listed on the following schedule are hereby established at December 31, 2003, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Budget, Management and Finance and the Erie County Comptroller.

MR. DEBENEDETTI moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- DELETE the last three (3) pages of the ATTACHED Budget Amendments.

MR. DEBENEDETTI moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 45 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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Intro. 15-13 From LEGISLATOR KUWIK Re: Urging State Support for the OLV Renaissance Senior Neighborhood Project.

Item 46 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Comm. 15E-57 From LEGISLATOR HOLT Re: MBE/WBE Letter.

Item 47 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 15M-13 From COMMON COUNCIL Re: Centennial Pool Petition.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MARINELLI

Item 48 – (Comm. 15E-1) Statement of Intent for the Future of County/City Parks.

Received and filed.

FROM LEGISLATOR DEBENEDETTI

Item 49 – (Comm. 15E-2) Copy of Letter to Comptroller Re: County Fleet.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 50 – (Comm. 15E-3) Use of Tobacco Asset Securitization Proceeds.

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WROBLEWSKI

Item 51 – (Comm. 15E-4) 2004-2005 Erie Community College Budget Process.

Received and filed.

FROM THE COMPTROLLER

Item 52 – (Comm. 15E-5) Information Regarding the County's Financial Status.

Item 53 – (Comm. 15E-6) Bond Resolution – Amendment to Resolution Approved 4/28/04 - \$250,000 – County Clerk Public Records Project.

Item 54 – (Comm. 15E-7) Bond Resolution - \$5,000,000 - Surveys, Plans & Estimates for Improvements to Various Roads & Bridges.

Item 55 – (Comm. 15E-8) Bond Resolution - \$929,000 –Replacement and/or Reconstruction of Lapp Road Bridges.

The above four items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DUSZA

Item 56 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 295

RE: Reappointment to Erie County
 Fisheries Advisory Board.
 (Comm. 15E-9)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of Mr. Charles Godfrey to the Erie County Fisheries Advisory Board for a term to expire December 31, 2006.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 57 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 296

RE: Contract for Registrar
Hardware/Software System
Replacement. (Comm. 15E-10)

WHEREAS, the Erie County Clerk's Office, as part of its duties as registrar, conducts transactions with the assistance of computer hardware, software and related technology, and

WHEREAS, the 2004 County Capital Budget has allocated funding for the replacement of the registrar's computer system as a capital expenditure, and

WHEREAS, due to the need for the County Clerk to install the replacement system in a timely manner and in conjunction with the office's relocation under the court renovation project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and sign a contract with NewVisions Systems Corporation for a hardware/software system replacement in the Erie County Clerk's Office in an amount not to exceed \$412,515, which includes one-year of software maintenance as a warranty, and be it further

RESOLVED, that the funding for the software maintenance agreement for years two and three will be provided for through a transfer of funds from the Public Records Backscanning and Indexing Capital Project in a subsequent bond resolution, and be it further

RESOLVED, that the funds set aside in the 2004 County Capital Budget as a capital expenditure may thereafter be expended as invoiced, consistent with the terms of such contract, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the County Attorney and the Director of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 58 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

CHALLENGE THE CHAIR.

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AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES – 6, NOES – 9.)

FAILED.

Comm. 15E-11 From THE COUNTY EXECUTIVE Re: CPS & DISS – Professional Services – ECC Technologies.

Item 59 – (Comm. 15E-12) ECSD No. 6 – Niagara Mohawk Revocable Permit.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (Comm. 15E-13) Preparing a Program Plan for the Use of the Ticor Building by the Appellate Division, Fourth Department.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – (Comm. 15E-14) EC Southtowns Sewage Treatment Agency – Engineering Service Agreement, 6/1/02 – Change Order No. 4.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – (Comm. 15E-15) Web Enabled Advanced Monitoring (WEAM) –EC Correctional Facility, Sub-Metering.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 63 – (Comm. 15E-16) Botanical Gardens Renovations, Reimbursement to Botanical Gardens Society for Planting the Main Dome.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 64 – (Comm. 15E-17) Health & Emergency Services -Study of Emergency Medical Services (EMS).

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 65 – (Comm. 15E-18) Social Services – Full Service Schools Contract Renewals.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 66 – (Comm. 15E-19) Social Services – Operation Primetime Expansion.

Received and referred to the HUMAN SERVICES COMMITTEE.

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Item 67 – (Comm. 15E-20) Probation & Youth Detention Services – Request to Transfer Funds to Purchase Electronic Home Confinement Equipment.

Item 68 – (Comm. 15E-21) Probation & Youth Detention Services – Extension/Increase for the Intensive Juvenile Community Project Contract.

Item 69 – (Comm. 15E-22) Probation & Youth Detention Services – United States Department of Justice – Project Safe Neighborhoods.

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 70 – (Comm. 15E-23) ECSD No. 3 -Engineer Term Agreement.

Item 71 – (Comm. 15E-24) ECSD No. 2 –Contract Close Out – Sicar.

Item 72 – (Comm. 15E-25) ECSD No. 3 -Village of Blasdell – Proposed Agreement.

Item 73 – (Comm. 15E-26) ECSD No. 6 -Bethlehem Park Rehabilitation Phase I – Change Order No. 2 – C. Destro Development Company.

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 74 – (Comm. 15E-27) Emergency Services – Authorization to Revise Grant Funding from HUD to Retain a Student Intern.

Item 75 – (Comm. 15E-28) Emergency Services – Revision of Grant from USEPA.

Item 76 – (Comm. 15E-29) CPS -NYS Division of Criminal Justice Services Agreement to Provide Statewide Automated Fingerprint Identification System Regional Site.

Item 77 – (Comm. 15E-30) CPS Forensic Lab – No Suspect Casework DNA Backlog Reduction Grant

The above four items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 78 – (Comm. 15E-31) Feasibility Study for Regional Records Center – Authorization to Enter Into Contracts.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 79 – (Comm. 15E-32) NYSDEC Recycling Capital Project Grant Agreements.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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Item 80 – (Comm. 15E-33) Transfer of County-Owned Rail Parcel to the Village of North Collins.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 81 – (Comm. 15E-34) Senior Services – Authorization to Amend the Title III & Title VII Grant Budgets

Item 82 – (Comm. 15E-35) Senior Services – Authorization to Transfer Funds, Amend the III-B Grant Budget & enter Into a Contract.

Item 83 – (Comm. 15E-36) Senior Services – Authorization to Amend the EISEP, CSE, CSI & III-E Grant Budgets.

Item 84 – (Comm. 15E- 37) Senior Services – Authorization to Initiate a Sponsorship Pilot Program.

Item 85 – (Comm. 15E-38) Social Services – Employee Education & Training.

Item 86 – (Comm. 15E-39) Health – Public Health Preparedness/Response to Bioterrorism 9/1/03 - 8/31/04.

Item 87 – (Comm. 15E-40) Health -Women's Health Services 4/1/03 -6/30/04.

Item 88 – (Comm. 15E-41) Health -Enhanced Drinking Water Protection Program Grant Revision 4/1/03 - 3/31/05.

Item 89 – (Comm. 15E-42) Health –Personnel Adjustments.

The above nine items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 90 – (Comm. 15E-43) County Funding for Community Programs & Special Events.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 91 – (Comm. 15E-44) Rebuild WNY Initiative.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 92 – (Comm. 15E-45) NYSDEC Recycling Capital Project Grant Agreements.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 93 – (Comm. 15E-46) Community Development Block Grant – Lead-Based Paint Hazard Inspection Services: Agreement with Stohl Environmental.

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Received and referred to the HUMAN SERVICES COMMITTEE.

Item 94 – (Comm. 15E-47) Agreement to Apply Pavement Striping in Grand Island.

Item 95 – (Comm. 15E-48) EC Home - Roofing & Exterior Building Rehabilitation, Contingency Fund Increase.

Item 96 – (Comm. 15E-49) Increase to Construction Contract – 2003 Contractor Placed Pavement South Contract – Various Locations.

Item 97 – (Comm. 15E-50) Grover Cleveland Park – Irrigation System.

The above four items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 98 – (Comm. 15E-51) New Building Guard Positions.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 99 – (Comm. 15E-52) Veterans Services – Acceptance of Award & Establish Grant-in-Aid from NYS Division of Veterans Affairs.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 100 – (Comm. 15E-53) Grant Programs – Authorization to Contract.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 101 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES – 6, NOES – 9.)

FAILED.

Comm. 15E-54 From THE COUNTY EXECUTIVE Re: DISS – Professional Services – Guardian Communications Group.

GRANTED.

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Item 102 – (Comm. 15E-55) EC – Buffalo & Erie County Botanical Gardens Society Asset Transfer & Management Agreement.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR CHASE

Item 103 – (Comm. 15E-56) Proposed Changes to the Erie County Legislature's 2004 Rules of Order.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BUDGET MANAGEMENT & FINANCE

Item 104 – (Comm. 15D-1) Response to Legislator DeBenedetti's Letter Re: ECMC Transaction.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 105 – (Comm. 15D-2) Special Committee for Review of County Purchases.

Received and referred to the PURCHASING AD HOC COMMITTEE.

FROM THE PURCHASING DEPARTMENT

Item 106 – (Comm. 15D-3) Policies & Procedures as Required Under General Municipal Law Section 104-B.

Received and referred to the PURCHASING AD HOC COMMITTEE.

FROM DEP

Item 107 – (Comm. 15D-4) Close Out Report – Household Hazardous Waste Collection - 5/08/04.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 108 – (Comm. 15D-5) Notice of County Executive's Public Hearing -Local Law Intro. No. 6-2004.

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RECEIVED, FILED & PRINTED.

June 11, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 6-2004

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on June 10, 2004.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: MELISSA O. HEIMERL
Assistant County Attorney

encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Friday, June 25, 2004 at 9:30 a.m., concerning:

A LOCAL LAW in relation to a requirement for Worker Training Programs by contractors and subcontractors under contract with the County of Erie.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

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On June 10, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No. 6 of 2004. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

FROM THE PURCHASING DEPARTMENT

Item 109 – (Comm. 15D-6) Additional Policies & Procedures for County Purchasing.

Received and referred to the PURCHASING AD HOC COMMITTEE.

FROM ECMCC

Item 110 – (Comm. 15D-7) Notice of Board Meeting to be Held 6/24/04.

Received and filed.

FROM ECC

Item 111 – (Comm. 15D-8) Notice of Trustees Meeting to be Held 6/30/04.

Received and filed.

FROM DISS – FLEET SERVICES

Item 112 – (Comm. 15D-9) Buffalo Parks Department Vehicle & Equipment Inventory.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 113 – (Comm. 15D-10) Notice of County Executive's Approval of Local Law No. 3-2004.

RECEIVED, FILED & PRINTED.

June 18, 2004

VIA HAND DELIVERY

Mr. Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware Avenue, 7th floor

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ERIE COUNTY LEGISLATURE

Buffalo, New York 14202

RE: LOCAL LAW No. 3-2004

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing. Please call me at extension 2211 with any questions.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: MELISSA O. HEIMERL
Assistant County Attorney

Enclosure

cc (w/o enc.): Andrew B. Isenberg, 1st Assistant County Attorney

County of ERIE

Local Law No. 3 of the year 2004

A local law requiring prior written notice of defective, out of repair, unsafe, dangerous or obstructed conditions of any street, highway, bridge, culvert, sidewalk, crosswalk, or highway markings.

Be it enacted by the Legislature of the

County of ERIE as follows:

Section 1. Short title. This Local Law may be cited as the "Erie County Prior Written Notice Local Law of 2004."

Section 2. As used in this Local Law, the following terms and words shall have the meanings indicated below:

(A) "Bridge" shall mean and include but is not limited to:

- (1) A structure forming or carrying a highway, road, or street at a height over a river, stream, pond, lake or other body of water or over a chasm, ravine, or the like; and/or

- (2) Affording passage by vehicles and/or pedestrians between two points at a height above the ground, a body of water, a highway or street, or above a chasm, ravine, or the like.
- (B) "Crosswalk" shall mean and include but is not limited to:
- (1) That part of a highway or street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway or street or between the curbs or, in the absence of curbs between the edges of the traversable roadway; and/or
 - (2) Any portion of a highway or street at an intersection or elsewhere indicated for pedestrian crossing by lines or other marking~; on the surface.
- (C) "Culvert" shall mean and include but is not limited to:
- (1) A channel, conduit, or tunneled drain of masonry, brickwork or other materials conveying a stream of water across or beneath a canal, railway embankment, highway or street; and/or
 - (2) An arched or barrel-shaped drain or sewer; and/or
 - (3) A structure or device affording passage *for* water to cross under the embankment of a railway, under a highway or street, or beneath a road or driveway, where the configuration of the surface does not require a bridge.
- (D) "Highway" or "Street" shall mean and include a location where the general public has a general right of passage, and shall include but not be limited to:
- (1) The entire width between the boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular traffic (including A TV's and snowmobiles); and/or
 - (2) Any highway, road, street, avenue, alley, public place, public driveway, and any other public way; and/or
 - (3) Any parking lot open to the general public; and/or
 - (4) Any necessary sluices, drains, ditches, waterways, embankments, retaining walls, culverts, and the approaches of any bridge or culvert; and/or
 - (5) Any shoulder or slope.
- (E) "Sidewalk" shall mean and include any area used, intended or designated for pedestrian passage, including but not limited to:
- (1) Any public plaza; and/or

- (2) Steps connecting: (i) any highway or street to a sidewalk, bridge, or to any public or private property, building or structure; and/or (ii) any sidewalk to a bridge or to any public or private property, building or structure; and/or
- (3) That portion of a highway or street situated between: (i) the curb lanes and the adjacent property lines; and/or (ii) the lateral lines of that part of a highway or street improved, designed, marked or ordinarily used *for* vehicular traffic and the adjacent property lines; and/or (iii) the shoulder or slope of any highway or street.

Section 3: No civil action shall be maintained against the County of Erie, its public officers and/or employees (collectively "Erie County") for damages, injuries or death to person or property sustained by reason of any street, highway, bridge, culvert, sidewalk, crosswalk, or highway marking, owned, operated or maintained by Erie County, being defective, out of repair, unsafe, dangerous or obstructed unless written notice is given to the Erie County Commissioner of Public Works of such defective, out of repair, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk, crosswalk, or highway marking, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger, obstruction or condition complained of. Section 4: Any written notice filed with the Erie County Commissioner of Public Works pursuant to this Local Law must include, the name and address of the person providing such notice, the nature and specific location of the condition stated to exist. The Commissioner of Public Works shall stamp or otherwise note the date and time such written notice was received. Within ten days after the receipt of such written notice, the Commissioner of Public Works shall transmit it to the Clerk of the Erie County Legislature.

Section 5: The Clerk of the Erie County Legislature shall keep an indexed record, in a separate book, of all written notices received pursuant to this Local Law. Such record shall state the date of receipt of the notice by the Erie County Commissioner of Public Works, the nature and specific location of the condition stated to exist, and the name and address of the person providing such notice. All written notices received pursuant to this Local Law shall be indexed according to the location of the condition stated to exist. The record of each notice shall be preserved for a period of five years after the date it is received by the Clerk of the Erie County Legislature.

Section 6: Nothing contained in this Local Law shall apply to any claim or civil action for property damage in an amount less than \$7,000.00.

Section 7: Nothing contained in this Local Law shall be held to repeal, modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions, but on the contrary shall be held to be additional requirements to the right to maintain such action; nor shall anything contained in this Local Law be held to modify any existing rule of law relative to the question of contributory negligence or comparative fault; nor shall anything contained in this Local Law be held to impose upon the County of Erie, its officers and employees, any greater duty or obligation that it shall keep its streets, highways, bridges, culverts, sidewalks, crosswalks, or highway markings in a reasonably safe condition for public use and travel.

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Section 8: If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions not been included.

Section 9: This Local Law shall take effect ninety (90) days after filing same with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town){Village} of _____ was duly passed by the _____, on 20 _____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County) of ERIE was duly passed by the Erie County Legislature on May 27, 2004, and was (approved) (~~not approved~~) by the Erie County Executive and was deemed duly adopted on June 15, 2004, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town){Village} of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer")

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town){Village} of _____ was duly passed by the _____

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_____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Kevin M. Kelley
 Date: June 18, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
 COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Melissa O'Heimerl
 Assistant County Attorney

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County of Erie

Date: June 18 , 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 7-2004 on Tuesday, June 15, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 15 day of June, 2004.

JOEL A. GIAMBRA

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 114 – (Comm. 15M-1) Notice of Meeting Held 6/17/04 & Minutes of 5/20/04 Meeting.

Received and filed.

FROM SENATOR RATH

Item 115 – (Comm. 15M-2) Receipt of Resolution.

Received and filed.

FROM THE TOWN OF CHEEKTOWAGA

Item 116 – (Comm. 15M-3) Resolution in Opposition to Proposal for EC to Take Over Maintenance of Buffalo's Parks & Playgrounds.

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 117 – (Comm. 15M-4) Notice of Meeting Held 6/15/04.

Received and filed.

FROM THE TOWN OF LANCASTER

Item 118 – (Comm. 15M-5) Resolution in Opposition to Proposal for EC to Take Over Maintenance of Buffalo's Parks & Playgrounds.

Received and filed.

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FROM SENATOR VOLKER

Item 119 – (Comm. 15M-6) Letters Re: Reform of the Medicaid Program.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE WHITE HOUSE

Item 120 – (Comm. 15M-7) Receipt of Resolution.

Received and filed.

FROM BUFFALO MAYOR MASIELLO

Item 121 – (Comm. 15M-8) Information Re: Inter-Municipal Agreement for Maintenance of City Parks.

Received and filed.

FROM THE NFTA

Item 122 – (Comm. 15M-9) Fiscal Year Ended 2004 Annual 17A Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE VILLAGE OF EAST AURORA

Item 123 – (Comm. 15M-10) Certified Copy of Resolution Re: Contract for Operation of Wastewater Treatment Plant & Sewer System.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM EMPIRE STATE DEVELOPMENT

Item 124 – (Comm. 15M-11) Supplemental Draft Environmental Impact Statement for Erie Canal Harbor Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF ELMA

Item 125 – (Comm. 15M-12) Resolution in Opposition to Proposal for EC to Take Over Maintenance of Buffalo's Parks & Playgrounds.

Received and filed.

MEMORIAL RESOLUTIONS

Item 126 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Harold Tar Furlong.

Item 127 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Lindsay Redmann.

Item 128 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Mary “Betty” Schroeder.

Item 129 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Daniel Cielencki.

Item 130 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Dr. John G. Zoll.

Item 131 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Nettie A. Romer.

Item 132 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Thomas Newman.

Item 133 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Alexander Hury.

Item 134 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Clanice Schwartz.

Item 135 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Kevin Merriweather.

Item 136 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Mathew Scuipider.

ADJOURNMENT

Item 137 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, July 8, 2004.
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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The Chairman declared the Legislature adjourned until Thursday, July 8, 2004 at 2 p.m.
Eastern Standard Time.

KEVIN M. KELLEY
CLERK